IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 718 of 2000(C)

AGAINST THE JUDGMENT DATEE 14.10.1998 IN CRL.A.NO.84/95 ON THE FILE OF THE COURT OF SESSIONS, PALAKKAD CONFIRMING THE ORDERS OF CONVICTION AND SENTENCE AGAINST THE PETITIONER/ACCUSED IN JUDGMENT DATED 26.5.1995 IN C.C.NO.35/92 ON THE FILE OF THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, MANNARKKAD.

REVN. PETITIONER: APPELLANT: 1ST ACCUSED:

THOMAS @ KUTTAN, S/O.VARGHESE,
PADINJARE VEEDU, MANNARAKKAYAM,
KANJIRAPPALLY,KOTTAYAM DISTRICT.

BY ADV. SRI.T.A.SHAJI

RESPONDENTS RESPONDENT: COMPLAINANT:

STATE OF KERALA (S.I. OF POLICE,
MANNARKKAD) REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

CRL.R.P.NO. 718 OF 2000

Dated this the 28th day of November,2006

O R D E R

The revision petitioner is the first accused in C.C.No.35 of 1992, on the file of the Court of the Judicial Magistrate of the First Class, Mannarkkad. He along with one Sundaran alias Gopi were found guilty for the offence under Section 381 read with Section 34 of the Indian Penal Code and they were sentenced to undergo rigorous imprisonment for one year. Though the accused persons filed an appeal, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.Appl.No.11899 of 2006, signed by the revision petitioner/first accused as well as the defacto complainant, seeking leave of the Court to compound the offence was allowed.

In the result, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

CRL.R.P.NO. 718 OF 2000

O R D E R

28th November, 2006

K.T. SANKARAN, J.

CRL.M.A.NO. 11899 OF 2006

Dated this the 28th day of November,2006

O R D E R

This is an application filed under Section 320 (2) of the Code of Criminal Procedure seeking leave of the Court to compound the offence.

2. The revision petitioner and one Sundaran alias Gopi were found guilty for the offence under Section 381 read with Section 34 of the Indian Penal Code and they were sentenced to undergo rigorous imprisonment for one year. The accused persons challenged the conviction and sentence in appeal. The Appellate Court confirmed the conviction and sentence and dismissed the appeal.

3. In this application, which is signed by the

revision petitioner/first accused as well as the defacto complainant, it is stated that they have settled the matter and that the defacto complainant has no grievance in the matter. It is stated that the revision petitioner/first accused was an employee of the defacto complainant. Taking into account the facts and circumstances of the case and the averments made in the application, I am inclined to allow the application under Section 320 (6) of the Code of Criminal Procedure.

The application is allowed.

(K.T.SANKARAN)
Judge

ahz/